

REMARKS

The Examiner has rejected claims 18-26. By this amendment, claims 18, 21 and 24-26 have been amended, no claims have been cancelled, and no new claims have been added. As a result, claims 18-26 remain pending in this application. No new matter has been added.

Interview Summary

The undersigned wishes to thank the Examiner for courtesies extended during a telephone Interview on September 24, 2009. The Examiner has prepared and entered an Interview Summary dated October 29, 2009. In the Interview, certain proposed amendment language was discussed that incorporate features that appear to overcome the prior art of record.

Objections to the Specification

The Examiner has objected to the disclosure because of an informality on page 2, line 15 of the specification. As required, the Applicant has made appropriate correction.

Rejections under 35 U.S.C. 102(e)

Claims 18-26 are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent No. 6,210,377 to Ouchi (hereinafter "Ouchi").

The undersigned respectfully submits that independent claim 18 is patentable over the above-cited reference, as features of the claim are not disclosed or suggested in the above-cited reference. Claim 18, as amended, recites a method of making a surgical device for injecting a chemical agent within a subject for use in endoscopic injection therapies. The method includes the steps of fabricating a spring from a helically wound wire coated about its circumference with a low friction material; determining a desired length of a guide housing; cutting the spring to an initial length to form a guide housing, wherein the initial length is greater than the desired length; assembling the device; and conditioning the guide housing prior to use of the device in an endoscopic surgical procedure by manipulating the guide housing to flatten the low friction material between the wire, so the initial length shortens to essentially the desired length. As

agreed to during the Interview, the prior art of record does not teach or suggest creating a guide housing from wire that is coated with a low friction material, and preconditioning the guide housing prior to use in an endoscopic procedure to shorten the length of the guide housing by flattening the low friction material. In contrast, Ouchi discloses only a conventional wire spring 912 (Ouchi, Fig. 46) with a preload applied to maintain a straight tube. (Ouchi, col. 18, lines 1-6). Ouchi does not disclose or suggest the use of a coated wire to form the spring, nor a conditioning step to flatten the coating prior to use. For at least these reasons, claim 18 is patentable over Ouchi and is believed to be in condition for allowance. Claims 19 and 20 are also patentable at least based on direct or indirect dependence on claim 18 and are in condition for allowance.

The undersigned respectfully submits that independent claim 21 is patentable over the above-cited reference, as features of the claim are not disclosed or suggested in the above-cited reference. Claim 21, as amended, recites a method of making a surgical device for use in endoscopic injection therapies. The method includes the steps of cutting a spring to form a guide housing of an initial length, wherein the spring includes a wire coated with a friction reducing material around its circumference and having an initial cross-sectional diameter; assembling the device; and treating the guide housing prior to use of the device in an endoscopic surgical procedure by manipulating the guide housing to flatten at least a portion of the friction reducing material, whereby the initial length shortens to a desired length and a cross-sectional diameter of at least a portion of the wire is less than the initial cross-sectional diameter in a longitudinal direction of the spring. As agreed to during the Interview, the prior art of record does not teach or suggest treating a guide housing prior to use of the device in an endoscopic surgical procedure by manipulating the guide housing to flatten at least a portion of the friction reducing material, whereby the initial length shortens to a desired length and a cross-sectional diameter of at least a portion of the wire is less than the initial cross-sectional diameter in a longitudinal direction of the spring. For example, Ouchi discloses only a conventional spring 912 made from an uncoated wire (Ouchi, col. 18, lines 1-6 and Fig. 46). Thus, Ouchi does not disclose a conditioning step resulting in a cross-sectional diameter of at least a portion of the wire being less than the initial cross-sectional diameter in a longitudinal direction of the spring. For at least these reasons,

claim 21 is patentable over Ouchi and is believed to be in condition for allowance. Claims 22 and 23 are also patentable at least based on direct or indirect dependence on claim 21 and are in condition for allowance.

The undersigned respectfully submits that independent claim 24 is patentable over the above-cited reference, as features of the claim are not disclosed or suggested in the above-cited reference. Claim 24, as amended, recites a method of fabricating a guide housing for use in an endoscopic device. The method includes the steps of selecting a spring including a helically wound wire, wherein the wire is coated with a low friction material around its circumference and has an initial cross-sectional diameter; determining a desired length of the spring; cutting the spring to an initial length, wherein the initial length is greater than the desired length; and conditioning the spring prior to use in an endoscopic device to flatten at least a portion of the low friction material, whereby the initial length shortens to essentially the desired length and a cross-sectional diameter of at least a portion of the wire is less than the initial cross-sectional diameter in a longitudinal direction of the spring. As agreed to during the Interview and for same reasons discussed above in regard to claims 18 and 21, the prior art of record does not teach or suggest the recited conditioning step prior to use in an endoscopic device. For at least these reasons, claim 24 is patentable over Ouchi and is believed to be in condition for allowance. Claims 25 and 26 are also patentable at least based on direct or indirect dependence on claim 24 and are in condition for allowance.

Claims 1-17 Identified as Withdrawn

As discussed during a phone call between the Examiner and the undersigned, a Preliminary Amendment was filed on October 20, 2003 which cancelled claims 1-17. This Preliminary Amendment is on record in the PAIR system. Therefore, this identification is clearly incorrect and claims 1-17 will not be further addressed.

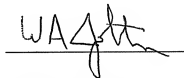
Conclusion

In summary, independent claims 18, 21 and 24 are believed to be allowable. Further, the remaining pending dependent claims are allowable at least based on direct or indirect dependence from claims 18, 21 and 24.

In view of the above amendments and remarks, it is respectfully submitted that all pending claims of this application are in condition for allowance. Accordingly, a Notice of Allowance for all pending claims of this application is respectfully solicited. Furthermore, if the Examiner believes that additional discussions or information might advance the prosecution of this application, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully submitted,

Date: 11/19/09

A handwritten signature in black ink, appearing to read 'W.A. Johnston', is written over a horizontal line.

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